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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

KEN WALTERS and JOHN BONILLA, in their ) No. C 05 4986 TEH  
 respective capacities as Trustees of the )  
 OPERATING ENGINEERS HEALTH AND )  
 WELFARE TRUST FUND FOR NORTHERN )  
 CALIFORNIA; TRUSTEES OF THE PENSION ) REQUEST FOR CONTINUANCE OF  
 TRUST FUND FOR OPERATING ENGINEERS; ) CASE MANAGEMENT CONFERENCE  
 TRUSTEES OF THE PENSIONED OPERATING ) AND ~~[PROPOSED]~~ ORDER THEREON  
 ENGINEERS HEALTH AND WELFARE FUND; )  
 TRUSTEES OF THE OPERATING ENGINEERS )  
 AND PARTICIPATING EMPLOYERS PRE- )  
 APPRENTICESHIP, APPRENTICE AND )  
 JOURNEYMEN AFFIRMATIVE ACTION )  
 TRAINING FUND; TRUSTEES OF THE )  
 OPERATING ENGINEERS VACATION AND )  
 HOLIDAY PLAN, )  
 )  
 Plaintiffs, )  
 )  
 v. )  
 )  
 WESTCON MICROTUNNELING, INC., A Utah )  
 Corporation; WESTCON MICROTUNNELING, )  
 INC. a Division of MODERN CONTINENTAL )  
 CONSTRUCTION CO., INC.; MODERN )  
 CONTINENTAL CONSTRUCTION CO., INC.; )  
 A Massachusetts Corporation; )  
 )  
 Defendants. )

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1 **I. DESCRIPTION AND STATUS OF THE CASE**

2 The above-captioned action was brought by the Plaintiff Trust Funds for allegedly unpaid  
3 contributions found due and owing to the Plaintiff Trust Funds. The Plaintiffs action arises under  
4 and is brought pursuant to Section 502 of the Employee Retirement Income Security Act, as  
5 amended (ERISA), 29 U.S.C§1132, and section 301 of the Labor Management Relations Act  
6 (LMRA), 29 U.S.C. § 185.

7 Since the filing of the above-captioned action, the parties have reached a tentative  
8 settlement. The Parties are in the process of reducing the settlement to a written agreement. The  
9 Parties anticipate that the settlement can be finalized by the end of April 2006.

10 **II. REQUEST TO CONTINUE CASE MANAGEMENT CONFERENCE**

11 In order for the parties to have sufficient time to finalize their settlement, the Plaintiffs  
12 hereby requests that the Court continue the case management conference set for April 3, 2006 at  
13 1:30 p.m. for at least sixty (60) days.

14  
15 Dated: March 28, 2006

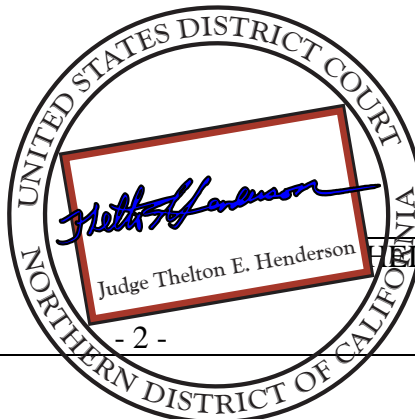
WEINBERG, ROGER & ROSENFELD  
A Professional Corporation

17 By: /s/  
18 JOYE BLANSCETT  
Attorneys for Plaintiffs

19  
20 **ORDER**

21 IT IS SO ORDERED that the Case Management Conference set for April 3, 2006, at 1:30  
22 p.m. is continued until June 5, 2006 at 1:30 p.m. and that the parties are ordered  
23 to submit a joint case management statement seven (7) days in advance of said conference if the  
24 matter has not been dismissed.

25  
26 Dated: 03/29/06



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28 THELTON E. HENDERSON